

### **REMARKS**

The issues outstanding in the Office Action mailed November 19, 2003, are the rejections under 35 U.S.C §112 and 102. Reconsideration of these rejections, in view of the following discussion, is respectfully requested. At the outset, it is noted that the claims 4-12, 14-17 and 22 have been indicated as being allowable, at least once issues under §112 are overcome.

#### **Rejection Under 35 U.S.C §112**

Claims 4-12, 16, 22 and 23 have been rejected under 35 U.S.C §112, second paragraph. Reconsideration of this rejection is respectfully requested.

The Examiner's careful reading of the claims is appreciated, and various grammatical and typographical changes have been made to the claims so as to address the concerns raised at page 2 of the Office Action. Moreover, it is noted that claim 19 has been restored to the language employed in the original claim, as newly submitted claim 25. The previous version of claim 19, canceled herein, was in error. It is submitted that none of the foregoing amendments change the scope of the claims, either literally for purposes of the doctrine of equivalents, in that they merely make grammatical and typographical changes. Withdrawal of the rejection is respectfully requested.

#### **Rejections Under 35 U.S.C §102**

Claims 1-3, 13, 18-21 and 23 have been rejected under 35 U.S.C §102(a) over French Patent 2,772,634. Moreover, these same claims are rejected under 35 U.S.C §102(e) over Hotier, et al. '224 or Ferschneider, et al. '537. Reconsideration of each of these rejections is respectfully requested.

At page 3 of the Office Action, it is evident that the underpinning of these rejections is the alleged inclusion, in the present claims, of a bypass line which is connected to a distribution means in one zone of the adsorbent bed, and connected to a second distribution means in another zone of the bed. A bypass line, connected to two distribution means is the orientation shown, for example, in figure 1 of both the French application and Hotier (which are equivalent to each

other). For example, in figure 1 of either document, see bypass lines  $L_{1,2}$  and  $L_{3,4}$ , which are connected through lines 10, 20, 30 and 40 to distribution means 14, 23, 33 and 43.

The French application is discussed particularly in the present specification, e.g., at page 3, lines 13-end and the first portion of page 4. In this discussion, it is indicated that, in the prior art, two distinct plates are connected by a bypass circuit. It is evident that the claims do not read on such a construction. For example, claim 1 indicates that at least one end of the bypass line communicates with a zone  $R_i$  of an adsorbent bed, said zone being distinct from a distribution chamber, and another end of said at least one bypass line is connected to said chamber. Moreover, claim 18 similarly indicates that one end of the bypass line being connected to a zone of an adsorbent bed distinct from a chamber ( $C_i$ ). Thus, neither independent claim reads on a construction wherein the bypass line is connected to two distribution chambers. Thus, the present configuration of the bypass lines does not read on the reference disclosures.

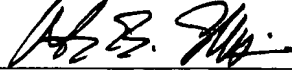
Similarly, Ferschneider '537, commonly assigned with the present application, as well as with Hotier, et al. and with the French application, shows bypass line  $L_{i,j}$  attached to two distribution means. See figure 1. The present claims also do not read on this disclosure.

It is accordingly respectfully submitted that all of the rejections under 35 U.S.C §102 should be withdrawn, and the same is respectfully requested.

The claims of the application are submitted to be in condition for allowance. However, if the Examiner has any questions or comments, he is cordially invited to telephone the undersigned at the number below.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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